

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DANIEL LOPEZ,**

**Plaintiff,**

**V.**

**CITY OF NORFOLK, et al.,**

## Defendants.

**Case No. 4:07CV3198**

## MEMORANDUM AND ORDER

On October 30, 2007, the court entered a memorandum and order (filing 11) that denied a conditional a motion to dismiss filed by Plaintiff (requesting relief from certain filing fee payment obligations). The court also directed Plaintiff to show cause why the case should not be dismissed for lack of prosecution. Plaintiff filed a response on November 15, 2007 (filing 12), and again requested that the case be dismissed without prejudice, but this time with no conditions attached. The request will be granted.

Accordingly,

IT IS ORDERED that Plaintiff's response to show cause order (filing 12), treated as a motion to dismiss this action without prejudice, is granted pursuant to Federal Rule of Civil Procedure 41(a). Judgment shall be entered by separate document.

December 6, 2007.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge